

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Ricardo Garnell Lee, Sr.,	:	
	:	
Plaintiff(s),	:	
	:	Case Number: 1:14cv868
vs.	:	
	:	Chief Judge Susan J. Dlott
Kimberly Johnson-Wharton, et al.,	:	
	:	
Defendant(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge filed on November 17, 2014 (Doc. 4), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired December 4, 2014, hereby ADOPTS said Report and Recommendation.

Accordingly, the complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. §1915(e)(2)(B).

The Court certifies pursuant to 28 U.S.C. §1915(a) that for the foregoing reasons an appeal of any Order adopting the Report and Recommendation will not be taken in good faith, therefore, plaintiff is denied leave to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6<sup>th</sup> Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 177 (6<sup>th</sup> Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court